



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Niemela Construction Company

File: B-237616

Date: February 7, 1990

Cal Niemela, for the protester.

E. L. Harper, Department of Veterans Affairs, for the agency.

Anne B. Perry, Esq., and John F. Mitchell, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Bidder's failure to bid on alternate item which was not selected for award by procuring activity does not render bid nonresponsive.

DECISION

Niemela Construction Company, Inc., protests the proposed award of a contract to R. C. Griffin, Inc., under invitation for bids (IFB) No. 518-28-89, issued by the Department of Veterans Affairs (VA), for the modification of a building at the VA Medical Center in Bedford, Massachusetts. Niemela contends that it is the low responsive and responsible bidder, because R. C. Griffin failed to comply with the terms of the IFB in that it failed to bid on the bid alternate.

We deny the protest.

The IFB specifications divided the work into "Item 1," which represented a base bid for all the general construction, alteration, mechanical and electrical work, and "Bid Alternate Item 1," which deducted from the base bid the preparation and painting of trusses, ceiling, and walls as noted on the contract drawings and specifications. The bid form, however, provided only a space for the base bid item and did not include a space for the alternate item.

R. C. Griffin, the apparent low bidder with a base bid price of \$257,544, did not submit a price based on the alternate.

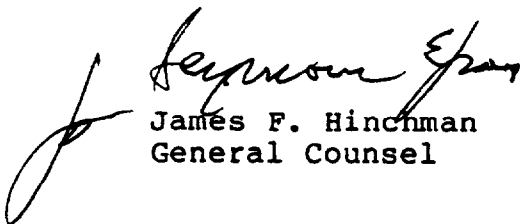
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Niemela was the apparent second low bidder with a base bid price of \$299,000 and an alternate item price of \$278,000, which it entered on a line it added to the bid form. R. C. Griffin verified its bid after bid opening and confirmed that its bid included all of the elements of the work, including the painting. On October 30, Niemela filed a protest challenging any award to R. C. Griffin on the grounds that its bid was nonresponsive because it did not include a price for the alternate item.

Where a solicitation includes a base bid and alternatives, bids must be evaluated on the basis of work actually awarded. The Haskins Co., B-227898, September 21, 1987, 87-2 CPD ¶ 285; request for recon. denied, Cree Constr. Co., Inc., B-227898.3, October 26, 1987, 87-2 CPD ¶ 394. As a result, we have held that the failure of a bidder to provide a price for all alternates constitutes no basis, sufficient in itself, to require rejection of the bid. Casson Constr. Co., Inc., B-198746, October 24, 1980, 80-2 CPD ¶ 318. Failure of a bidder to offer a price for all alternates will constitute a basis for rejection only if evaluation and award include the items not bid, and this is true even where the IFB states that failure to bid on every item will cause rejection of the bid as nonresponsive. The Haskins Co., B-227898, supra.

Here, the contracting officer made the determination that it was in the best interests of the government to award the contract on the base bid, including painting and, therefore, did not evaluate bidders' alternates. Since R. C. Griffin unequivocally offered to perform the work actually awarded, its bid is responsive and properly may be considered for award. Casson Constr. Co., Inc., B-198746, supra.

Accordingly, the protest is denied.



James F. Hinchman
General Counsel